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Heads of States or Governments
from the OSCE gather in
Istanbul for the signing
of the Charter



1999 OSCE Summit held in Istanbul

by Ambassador William H. Courtney and Janice Helwig

Heads of State or Government of the 54 OSCE participating States met in Istanbul, Turkey on November 18 and 19. They signed the Charter for European Security—the result of lengthy negotiations begun with the Budapest summit document in 1994—and agreed on an Istanbul Summit Declaration. The Charter contains broader commitments, taking into account changes which have taken place in Europe since the 1990 Charter of Paris for a New Europe. The Declaration is more operational, focusing on specific regional issues. Thirty-five OSCE States also signed an amended Treaty on Conventional Forces in Europe (CFE). A modified version of the Vienna Document on confidence- and security-building measures was also adopted.

Although there had been expectation that human rights in Turkey would be a main focus of participating States' statements at the summit, the deteriorating situation in Chechnya ended up dominating the discussions. The Charter and Declaration incorporate a number of key initiatives advanced by the Commission, including the end of trafficking in human beings, particularly women and children; the fight against corruption; eradication of torture; protection of Roma, as well as the need for a movement towards democracy in Serbia. A 17-member U.S. delegation to the OSCE Parliamentary Assembly in July meeting in St. Petersburg, Russia, paved the way for these gains by building a stronger consensus for action. The Declaration implies some progress on Chechnya, another issue to which the Commission has given priority, but serious questions remain whether Russia is interested in finding a political solution. Despite U.S. efforts, participating States did not agree to build upon existing OSCE commitments in the field of religious liberty, and they failed to address existing criminal defamation laws. In a break with existing OSCE practice, NGOs were not allowed to attend the sessions of the summit plenary. Norway in its capacity as

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Chairman-in-Office (CiO) was responsible for this decision, citing limited space in the summit hall.

The Charter strengthens several existing OSCE commitments and adds some new ones. Participating States recognize that—in the new Europe—threats to security can come from *within* States, not just between them. International terrorism, violent extremism, organized crime and drug trafficking are growing challenges to security. The States expanded existing commitments concerning national minorities and promised to eradicate discrimination against Roma and Sinti. Commitments concerning the prevention of torture were expanded to include promoting legislation to provide procedural and substantive safeguards to combat it. In addition to committing to make equality between men and women an integral part of both States' and OSCE policies, participating States will now undertake measures to end violence against women and children as well as trafficking of human beings. The potential OSCE role in peacekeeping was further defined, focusing on the OSCE's contributions in post-conflict rehabilitation, democratization, and human rights and election monitoring. Economic and environmental issues were given a higher priority. For the first time in the OSCE, the Charter recognized that corruption poses a threat to OSCE values; and par-

ticipating States pledged to strengthen efforts to combat corruption. The Charter established Rapid Expert Assistance and Cooperation Teams (RE-ACT) to enable the OSCE to deploy missions more quickly and effectively, as well as an Operation Center to better plan OSCE field missions. A new body called the Preparatory Committee was established under the Permanent Council to allow for a more informal exchange of views and thereby strengthen the consultation process.

The Istanbul Declaration gives an operational impetus to many of the commitments in the Charter, and also focuses on regional issues—particularly those regions with an OSCE field presence. Concerning elections, for example, participating States agreed to adhere promptly to OSCE election assessments and recommendations. They also committed to promoting children's rights, especially in conflict and post-conflict situations, adopting and implementing comprehensive anti-discrimination legislation, and ensuring that laws and policies fully respect the rights of Roma and Sinti. The Permanent Council was tasked to examine how the OSCE can best contribute to efforts to combat corruption and will report related developments to the Ministerial

Council to be held in late 2000. Regional issues covered included Kosovo, Bosnia, Croatia, Albania, Macedonia, the Former Republic of Yugoslavia (FRY), Central Asia, Georgia, Ukraine, Moldova, Nagorno-Karabakh, Belarus, and the North Caucasus (Chechnya and Ingushetia). In this latter context, Russia agreed to a visit by the OSCE CiO to the region. (A subsequent visit to Moscow by CiO Vollebaek did not result in a firm date for such a trip, however.) At the request of Russia, language condemning Belgrade's use of force in Kosovo was softened. The OSCE declared its readiness to work to foster democracy and hold free and fair elections in the FRY. The declaration notes that in 1999 the OSCE strengthened its involvement in Central Asia with the establishment of presences in all five countries.

In addition to the documents and official statements given at the summit, several side events were held. President Clinton met with representatives of five Turkish NGOs. First Lady Hillary Clinton, Swiss President Dreifuss, Finnish Foreign Minister Halonen, Latvian Prime Minister Skele, OSCE Parliamentary President Degn, ODIHR Director Stoudmann and a representative of the Polish NGO La Strada participated in a well-publicized discussion on combating trafficking; and the OSCE used this opportunity to unveil its action plan. The Presidents of Turkey, Turkmenistan, Azerbaijan, Kazakhstan, and Georgia, and the

United States signed the Baku-Ceyhan pipeline agreement. CiO Vollebaek and Czech President Havel met with Montenegrin President Djukanovic and representatives of the Serbian opposition—including Draskovic, Djindjic, and Korac. Foreign ministers participated in a break-fast meeting on the Stability Pact for Southeastern Europe. The OSCE Parliamentary Assembly convened an Expanded Bureau Meeting on the eve of the Summit and played a particularly active role in promoting dialogue between the government and opposition in Belarus. CiO Vollebaek and High Commissioner on National Minorities Max van der Stoel held meetings with NGO representatives. NGOs also were invited to the trafficking event, and held several meetings of their own.

The Summit documents are not ends in themselves. Commitments in the Istanbul documents now need to be operationalized and implemented. The newly established Preparatory Committee held its first session on December 1; it will be used to prepare for the Permanent Council (PC), and may evolve as necessary to promote dialogue between participating States. A Working Group on women's issues will begin meeting in mid-December to discuss implementation of related OSCE commitments as well as ensuring that OSCE's internal administrative policies guarantee equal treatment for men and women. The Declaration extends the mandate of the current High Commissioner on National Minorities, Max

van der Stoel until a new HCNM can be found; a new HCNM will need to be appointed. The OSCE Contact Point on Roma and Sinti issues may need to develop programs to assist participating States with their new commitments. The PC will need to decide how the OSCE will work to combat corruption. The OSCE will conduct elections in Kosovo next year; the CiO should travel to Chechnya; a fact-finding mission is to be sent to the Gali region of Georgia; and an international assessment team is to be sent to Moldova to observe the complete withdrawal of Russian troops.

The Commission plans to work in the coming months to build on the progress at the Summit, by adding impulse and content to the work of the OSCE, especially on the issues of trafficking, corruption, torture, Roma and democratization of Serbia. The Commission will seek to develop broader support among participating States for expanding protections to minority religions and faiths, and for bringing an end to criminal defamation laws that in some countries are used to squelch voices of freedom. Members of the Commission do not underestimate the exertions required to achieve these goals, and look forward to close cooperation with NGOs and other participating States that share its priorities.

Full texts of the Istanbul Summit documents, as well as the statements given by the heads of State or government, can be found on the OSCE website at <www.osce.org>. □

The Commission on Kosovo

by Robert Hand

On November 11-12, Helsinki Commission staff visited Kosovo for the first time since the NATO air campaign earlier this year liberated the ethnic Albanian inhabitants (who form the overwhelming majority of the region's population) from at least a decade of repression by Belgrade authorities. The delegation met with Jock Covey, the senior deputy to Special UN Representative Bernard Kouchner, officers from the U.S. Office in Pristina (Kosovo's capital), representatives of the OSCE and UNHCR Missions in Kosovo, and field staff of leading private voluntary organizations (PVOs) providing relief to Kosovo's population. The delegation also traveled to Vucitrn in northern Kosovo, where the OSCE operates a school to train a new Kosovo police service.

One urgent topic on the delegation's agenda was the state of preparations for the pending winter months. Much had been done in this regard. While it was felt that no humanitarian disaster was looming, concerns were raised regarding the slow delivery of aid caused by delays at Kosovo's border with Macedonia, which could be as time consuming as two weeks. In addition, the lack of coordination and follow-up by some aid providers could lead to localized problems. A related but broader concern was the general infrastructure in Kosovo. Serbian authorities had clearly ignored the state of Kosovo's utilities, and periodic electric cutoffs were envisioned as one main power plant was soon to be repaired. Economic reform and privatization could answer some of Kosovo's needs, but

the issue of sovereignty—Kosovo's status is still undecided—precludes any early efforts to sell state-owned property. As a result, the international community seems focused merely on getting through the winter, despite concerns that such an approach might take momentum from already difficult reform efforts.

On the political front, it became clear that the timing of Kosovo's elections was a sensitive issue which had some governments and organizations from the international community at odds with others. Commission Chairman Rep. Christopher H. Smith (R-NJ) and Ranking Member Rep. Steny H. Hoyer (D-MD) had written to Secretary of State Madeleine Albright on this issue last August, noting the problem of interim administration in Kosovo but arguing that the hasty holding of elections absent the proper conditions would be counterproductive. The time frame for the elections has already been pushed back by as much as six months since August, but the debate continues over whether to schedule elections for the summer or autumn of 2000. Wisely, there seemed to be a consensus that the contested seats would be for local levels of government, not for Kosovo as a whole. Work is underway to facilitate the administration of elections. The arduous task of voter registration is underway, as well as efforts to improve the environment in which they would be held, such as encouraging the development of the media.

Among the several aspects which distinguish the situation in Kosovo from that in nearby Bosnia-Herzegovina is the greater degree of

coordination within the international community, with Kouchner as the chief civilian representative under the United Nations and other organizations represented as one of four "pillars" under his direction. Moreover, the cooperation of the military side of the international community's presence—KFOR—with the civilian side was universally viewed as better in Kosovo than in Bosnia-Herzegovina. The slow deployment of UN staff was viewed as having made the crisis in Kosovo's interim administration more difficult to resolve, while some felt that the OSCE's ability to redeploy quickly rather than start from scratch gave the organization a sense of independence from the established framework. The OSCE Mission led by Daan Everts of the Netherlands, for its part, appeared to be exceptionally well run and able to balance its role as one pillar in the UN framework while upholding OSCE standards and remaining answerable to the Vienna-based organization.

A topic in virtually every conversation the staff delegation had in Kosovo was the spate of ongoing "impunity violence" in which remaining Serbs, including the elderly, were severely harassed and even killed. The most recent and disturbing example was the attack on a convoy of Serbs exiting Kosovo by an angry mob of Albanians near the town of Pec. Roma, too, have been targeted as a group by returning Albanians due to allegations that some Roma were willingly complicit in crimes committed by Serb forces before and during the NATO air campaign. While some incidents of "impunity violence" were spontaneous, others were viewed as

having been orchestrated, at least at the local level. There seemed to be universal agreement that not enough had been done to press Kosovar Albanian leaders, especially leaders of what was the Kosovo Liberation Army (KLA), to bring such violence to an end. There was also concern, based on a recent incident threatening criticism of one leading editor and analyst, that violence might be used to thwart the diversification of views within Kosovar Albanian society itself. In response to this violence, Chairman Smith and Mr. Hoyer joined their colleagues in the Albanian Issues Caucus and Human Rights Caucus in the Congress in calling on the people of Kosovo to denounce the acts of violence and intolerance and to strive to create a Kosovo in which the human rights of all inhabitants are respected. □

Georgia's 1999 parliamentary elections

by Michael Ochs

On October 31, Georgia held its third parliamentary elections since gaining independence in 1991. According to the Central Election Commission, the ruling party, the Citizens Union of Georgia (CUG), scored a convincing victory. In the first round, the CUG won 41.85 percent of the party list voting, or 85 seats, along with 35 single districts. The opposition Batumi Alliance (BA) came in second, with 25.65 percent of the vote and seven districts, gaining 51 seats. Industry Will Save Georgia (IWSG) was the only other party to break the seven-percent threshold for parliamentary representation, managing 7.8 percent and 14 seats. In second-round voting on November 14, the CUG increased its lead, picking up ten more seats, and then won another two in a November 28 third round, for a total of 132. The BA's final tally was 59.

Overall, the CUG has an absolute majority in Georgia's 235-seat legislature, improving on the position it held from 1995-1999. Except for Ajaria, where the BA's overwhelming victory was assured, the CUG did surprisingly well all over the country—even in western Georgia, which has traditionally been hostile to Georgia's President Shevardnadze. As expected, Georgia's Azerbaijani population voted solidly for the CUG with Azerbaijani President Aliiev strongly endorsing Shevardnadze's party. Most of Georgia's 400,000 Armenians voted the same way. By contrast, the BA only won three districts outside Ajaria.

The outcome did not indicate how tense the race had been between Eduard Shevardnadze's CUG and the leftist, pro-Russian BA, headed by the boss of the Autonomous Republic of Ajaria, Aslan Abashidze. A win by the latter threatened to move Georgia into Russia's orbit and away from market principles. The election also offered a foretaste of next year's presidential contest, when Abashidze runs against Shevardnadze.

With such high stakes and relations so confrontational between the contending forces, charges of widespread fraud dogged the elections. The CUG singled out Ajaria as the main offender, the BA alleged CUG chicanery everywhere except Ajaria, and other parties—especially those that barely missed the seven percent threshold—accused both. Of the Central Election Commission's 19 members, only 13 signed the document announcing the results.

Nevertheless, OSCE's observation mission called the first round of the election a "step towards" compliance with OSCE commitments, adding that most of the worst violations occurred in Ajaria. OSCE's verdict after the November 14 second round was more critical, noting violence at some polling stations and vote rigging and intimidation at others. The OSCE's initial cautiously positive judgement, however, allowed Eduard Shevardnadze to claim that democratization is proceeding in Georgia and that the country's admission to the Council of Europe was well deserved.

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On the other hand, no opposition party has recognized the election results. The Labor Party, which, according to official figures, got 6.85 percent, lost an appeal to Georgia's Supreme Court to invalidate the results and has threatened to bring the matter to the European Court of Justice. The refusal of opposition parties to acknowledge the official outcome casts a shadow on the CUG's victory and legitimacy. Still, there are no indications that parliament will not be able to function. Aslan Abashidze has claimed massive CUG fraud and has renounced his own deputy's mandate but his Revival Party has returned to parliament, which it had been boycotting for a year and a half. Batumi Alliance representatives have pledged the bloc will be a constructive opposition.

Other parties, especially those with few adherents, will find it hard to survive. Their failure to enter parliament, with no elections scheduled for four years, may lead to their disappearance or their unification with more serious political contenders, which will try to keep the CUG from becoming an entrenched ruling party.

Campaign Issues

During four years in power, the CUG could boast of restoring order, joining Western institutions and establishing Georgia as a key transit country for oil and goods. But living standards have not risen, territorial conflicts in Abkhazia and South Ossetia remain unresolved, and 250-300,000 people from those regions are still refugees. These failures gave ammunition to the Batumi Alliance, composed of a disparate group of anti-Shevardnadze parties under the lead-

ership of Ajaria's strongman. Accusing the CUG of corruption, incompetence and not fulfilling promises to create one million new jobs, the BA pledged to settle the Abkhazia problem, pay salaries and pensions, and run a clean government.

The campaign was open but bruising. In Abashidze-controlled Ajaria, only posters of Abashidze and other BA candidates were visible and the CUG encountered hostile crowds and official harassment. Ajarian authorities barred high-ranking CUG leaders from entering Ajaria for several days. Some CUG local officials returned the favor: For instance, they kept campaign buses waiting outside Tbilisi for days before allowing them to enter the capital, and elsewhere in the country, impeded the BA's efforts to campaign.

Factors Behind the CUG's Victory

Given well-publicized, widespread discontent in Georgia over low living standards, endemic corruption and disillusionment with the CUG, most analysts had expected a much closer contest than the results indicated. The ruling party's easy win apparently reflected several factors:

- Voters' concerns about the Batumi Alliance's pro-Russian orientation, which Moscow's war in neighboring Chechnya, plus intensified Russian pressure on Georgia, have substantially aggravated;
- Abashidze's announcement of his intention to run for president next year brought home the implications of having a president known for his odd behavior—including his refusal to leave Ajaria because CUG leaders have allegedly plotted to kill him

and his claim that a photographer's flashbulb caused his heart attack—and authoritarianism. Virtually all opposition has been stamped out in Ajaria, where freedom of the press, assembly and association are severely constrained;

- In a country already rent by separatist conflicts, voters were anxious about Abashidze's flagrant overtures to Georgia's regions and ethnic minorities. He refused to criticize Abkhazia's October 3 election/referendum—which Tbilisi and the United Nations consider illegal—or to characterize the expulsion of Georgians from Abkhazia as "ethnic cleansing," which Georgia has urged the United Nations to do. Abashidze has also courted Georgia's large and restive Armenian population, provoking nightmares of another Nagorno-Karabakh-type conflict on Georgian territory;
- Finally, the successful electioneering of local officials appointed by Shevardnadze aided the CUG's campaign. These officials worked hard to ensure that voters in their regions would cast ballots for the CUG. Moreover, CUG-initiated amendments to the election law increased the party's sway over many election commissions. All levels of election commissions had government-appointed majorities.

Post-Election Trends

The CUG's success ensured a second term as Speaker of Parliament for Shevardnadze's close ally, Zurab Zhvania, who ran unopposed. Convening on November 20, the new parliament elected him by a vote of 162 to 29. Zhvania's re-election con-

solidates his status as the frontrunner-reformist to succeed Shevardnadze in 2005. Before then, he would also be a serious candidate if the position of prime minister is created.

The CUG's convincing victory dampens Abashidze's hopes of mounting a serious challenge in the April 2000 presidential contest, and should induce others to throw their hat in the ring. Labor Party leader Shalva Natelashvili has already announced plans to do so. But Shevardnadze's victory now seems assured, barring extraordinary events.

Nevertheless, Shevardnadze has announced yet another war on corruption. Skeptical voters expect more than symbolic gestures and international financial institutions demand concrete action to improve Georgia's miserable tax-collection, which reached its lowest level in October. Failure to address the problem could endanger IMF loans and World Bank programs. On December 6, Shevardnadze said corruption is the main cause of Georgia's budget crisis, and indicated that battling corruption will be a key issue in his campaign. High ranking military officials have already been accused of malfeasance and a scandal in the Georgia Shipping Company may lead to indictments of legislators.

The election consolidated the pre-eminent status of the CUG and the Batumi Alliance but neither is united. The latter in particular brought together parties and individuals sharing only a strong antipathy to Eduard Shevardnadze. Abashidze will try to maintain discipline among the Alliance's members but many analysts expect the bloc to splinter, a process the CUG will surely attempt to help

along. The CUG, for its part, will spend the next six months preparing for the April 2000 presidential election, but afterwards could also fracture as ambitious politicians begin jockeying for the role of Shevardnadze's heir apparent. At present, Zurab Zhvania's leading rival is Minister of State Vazha Lortkopianidze. Another possible development is the formation of a new party composed of the CUG's pro-Western reformers who have found it difficult to continue working with the ex-Soviet officials in the party.

The election and its outcome promise no major progress towards resolving the conflict in Abkhazia. But the CUG's convincing victory provides Shevardnadze the broad-based support to continue pressing for the removal of Russian bases; a diminished Russian presence in the region could promote a settlement of the dispute. At the OSCE Summit in Istanbul, as part of the adapted Conventional Forces in Europe (CFE) agreement, Russia agreed to remove two of its four bases by July 2000, while negotiations proceed on the other two.

Nevertheless, recent statements by Russia's military and political leadership make plain that Moscow sees the war in Chechnya not merely as a war against terrorism but as a campaign to stem Russia's retreat in the Caucasus and general decline as a global power while the Western—especially American—presence increasingly penetrates the region. The November 18 signing of a deal between Baku, Tbilisi and Ankara to construct a U.S.-backed oil pipeline from Azerbaijan through Georgia to Turkey is a blow to Moscow, which

has been pressing for a northern pipeline through Russia. Cut out of the potentially lucrative arrangement and determined to regain a hold on the entire region, Moscow may be tempted to move against the Baku-Supsa western pipeline.

More generally, Moscow's defeat in the 1994-96 Chechen War emboldened Georgia (and Azerbaijan) to take a much more openly pro-Western stance. Russian helicopters and planes have already violated Georgian air space twice, bombing targets near the Chechen border. If Russia reestablishes control over Chechnya, Georgia could be the next target. Continued strong backing from the United States will be needed for Georgia to withstand the pressure. □

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